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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

APPLICANTS: Vance et al.) ART UNIT: 3671

SERIAL NO.: ~~10/855,792~~) EXAMINER: Raymond W. AddieFILED : 09-933,325)
08/20/01)**OFFICIAL**

RESPONSE

THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS

Washington, DC 20231

Sir:

PRELIMINARY AMENDMENT

THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS

Washington, DC 20231

This is a Preliminary Amendment in the Continuation Application, filed under 37 CFR 1.53(d) of the above-identified patent application filed on 03/08/04. A total of 16 claims remain pending.

IN THE CLAIMS

Claim 1 (currently amended).

A ditch forming apparatus comprising:

a hopper having a front end and a rear end joined by a pair of side members, an outer surface, an inner surface, an open top, and an open bottom having an outer periphery that has a front edge that terminates proximate the front end, a first edge that terminates proximate the first side, a rear edge that terminates proximate the rear end, and a second edge that terminates proximate the second side;

a first frame member attached to the front end of the hopper, the first frame member having a first pair of wheels attached thereto;